

Application Ser. No. 10/620,323

Please re-title this application the following:

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BICYCLE FORK HAVING LOCK-OUT, BLOW-OFF, AND ADJUSTABLE BLOW-OFF  
THRESHOLD

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**REMARKS**

1. This supplemental response adds new claims 94-101 and provides a replacement abstract and title. Applicant submits herewith a listing of claims marked to show only these revisions that were entered since submission of Applicant's response of 6 October 2005.

2. Applicant very much appreciates the courtesy and the assistance provided by the Examiner during a recent interview held at the Patent Office on 19 September 2005. During the interview, Applicant's attorney discussed the Storz and Ceriani art, which was previously submitted by Applicant and demonstrated the Ceriani front fork to the Examiner. The Applicant's remarks below will also address the discussion held with the Examiner held in connection with the outstanding rejection of the claims in view of Gonzalez. Applicant notes with appreciation the Examiner's guidance, which assisted Applicant greatly in preparing this amendment.

3. Claims 65-68 and 72 are pending of which claims 65-68, and 72 were originally presented and are now rejected; claims 69-71 and 73-74 are herein cancelled. No previously presented and now rejected claims have been narrowed by amendment and indeed such claims have only been broadened. The title and abstract have been amended to better reflect the claimed subject matter of this patent application.

4. The double patenting rejection has been noted. While the Applicant disagrees with any characterization by the Examiner that the current application's broad claims may "not [be] patentably distinct" from the narrower claims of USP 6,592,136, a terminal disclaimer has been submitted to merely expedite prosecution; not to concede away this point.

5. The currently rejected claims (65-68, 72) are rejected under either 35 USC §102 or 103 based upon Gonzalez et al – USP 6,120,049 ("Gonzalez"). The Examiner's rejections are based upon two facts/conclusions:

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(1) Gonzalez' "blow-off" valve is the same as Applicant's blow-off feature/valve; and

(2) Gonzalez' "blow-off" valve is capable of external manipulation without tools and/or it would have been obvious to fine-tune the Gonzalez valve via nut 210,

5 without the use of tools.

Applicant has disclosed *both* of these propositions with the Examiner during the above-mentioned interview. If only one of these propositions is wrong, the claim rejections must fall because all the claimed limitations would not be shown by the applied prior art. Applicant further remarks to focus on (1), although this is not a disclaimer of any type that

10 Applicant concedes the accuracy of (2) and especially whether manual manipulation of a nut contained entirely within the sealed fluid containing chamber of a fork meets *any language* of the claims submitted herewith.

As discussed at the Interview, Gonzalez describes his "blow-off" valves as operating

15 during *rebound* (blasing apart of the fork legs). See Gonzalez, column 7, lines 16-26. The two "blow-off" valves of Gonzalez, namely the compression and rebound "blow-off valve means", allow fluid to refill fluid chambers that have "enlarged" due to the spacing apart of the legs during rebound. This refill feature is somewhat analogous to the refill feature in Applicant's fork and described at col. 14, lines 35-55, of USP 6,592,136 (this application's

20 parent) or page 21 (para. 0081) of the current patent application and which operates on *rebound of the fork*.

On the other hand, one skilled in the art, reading Applicant's current claims in view of the current specification, would conclude that Applicant's use of "blow-off" is more in line

25 with the more widely used meaning of blow-off, *i.e.* pressure relief during compression. This is exemplified by col. 16, lines 18-36, of USP 6,592,136 (this application's parent) or page 24 (para. 0091) of the current patent application where there is a discussion of the "blow-off compression circuit 242 ..." Gonzalez does have a fluid circuit equivalent to this circuit, see Gonzalez, col. 7, lines 12-15, *but it is in no way adjustable*.

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Therefore, because Gonzalez does not teach or suggest at least an adjustable blow-off feature, valve, or threshold, etc., as called for by the various current claims, he cannot render the current claims unpatentable and it is requested that the current rejections be withdrawn.

In view of the foregoing and further in view of the discussion held with the Examiner during the Interview, Applicant has amended the pending base claims such that the term "blow-off" and the term "external" are more clearly stated.

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All claims being allowable, an early indication as such by the Examiner is requested.

Applicant does not believe that filing of this Amendment will incur additional fees. However, the Commissioner is authorized to charge any fees due to the Glenn Patent  
10 Group Deposit Account No. 07-1445, Customer No. 22862. Applicant considers this document to be filed in a timely manner.

Should the Examiner have any questions regarding the Application, she is urged to contact Applicant's attorney at (650)474-8400.

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Respectfully submitted,

  
V

Michael A. Glenn

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